

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSE L. PARRA, individually and on behalf)	
of all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:18-cv-05936
)	
)	Hon. Edmond E. Chang
OCWEN LOAN SERVICING, LLC,)	
)	
Defendant.)	

**DEFENDANT OCWEN LOAN SERVICING, LLC’S MOTION FOR
LEAVE TO FILE BRIEF IN EXCESS OF PAGE LIMITATION**

Defendant, Ocwen Loan Servicing, LLC (“Ocwen”), by and through its undersigned counsel, and for its Motion for Leave to File Brief in Excess of Page Limitation set forth in Local Rule 7.1, states as follows:

1. On September 26, 2018, Ocwen intends to file a Motion to Dismiss, or, in the Alternative, Motion to Stay, and Memorandum of Law in Support pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) (“Motion”), seeking dismissal of the claims asserted against it by Plaintiff Jose L. Parra (“Plaintiff”).

2. Ocwen’s Motion seeks dismissal on multiple grounds, including that Plaintiff failed to plead facts upon which relief can be granted, that his claims are barred by the Anti-Injunction Act and claim preclusion, and that purported class claims for individuals residing outside of Illinois must be dismissed for lack of personal jurisdiction.

3. In addition, the Motion alternatively seeks a stay of this litigation pending the outcome of a parallel state court foreclosure action between Plaintiff and the investor of his mortgage loan, which Ocwen services on behalf of the investor. As set forth in Ocwen’s Motion,

Plaintiff's theory in this case – that Ocwen, on behalf of its investor, violated the law by failing to apply “unapplied” (partial) funds prior to filing a foreclosure complaint – has been litigated now twice in the Circuit Court of Cook County. Accordingly, should the Court not grant dismissal of the Complaint, *Colorado River* abstention principles require that this action be stayed pending the outcome of the state court foreclosure action.

4. Accordingly, Ocwen respectfully requests that it be granted leave to file a Memorandum which exceeds the page limitation set forth in Local Rule 7.1 by up to an additional twelve (12) pages. Due to the number of grounds available to Ocwen on which to seek dismissal, and the alternative request for a stay, Ocwen is unable to adequately address the relief sought in the Memorandum in fifteen (15) pages. The additional twelve (12) pages are reasonably necessary for it to sufficiently address why it is entitled to dismissal or, alternatively, a stay of proceedings.

5. Ocwen has included all arguments for dismissal or stay in one motion for ease of review by the Court rather than filing two separate motions.

6. The granting of this request will not prejudice Plaintiff.

7. Counsel for Plaintiff was contacted to seek consent for the relief requested in this Motion. Counsel advised that Plaintiff has no objection to five additional pages, but objects to 12 additional pages.

WHEREFORE, Defendant, Ocwen Loan Servicing, LLC, respectfully requests that the Court grant this Motion, grant it leave to file a Memorandum which exceeds the page limitation set forth in Local Rule 7.1 by twelve (12) pages, and grant such other and further relief the Court deems just and proper.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC

By: /s/ Jena M. Valdetero
One of its Attorneys

Jena M. Valdetero (6290948)
Robert W. Brunner (6203884)
BRYAN CAVE LEIGHTON PAISNER LLP
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
Telephone: (312) 602-5000
Facsimile: (312) 602-5050
jena.valdetero@bclplaw.com
robert.brunner@bclplaw.com

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on September 26, 2018, a true and correct copy of the foregoing ***Motion for Leave to File Brief in Excess of Page Limitation*** was served via the Court's electronic filing system upon all counsel of record.

By: /s/ Jena M. Valdetero